

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 318  
Criminal Procedure – Postconviction Review – Motion for  
Reduction of Sentence  
**DATE:** January 17, 2024  
(2/1)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 318. The offered legislation adds to Criminal Procedure Article § 8-111 which allows the State’s Attorney to file a motion for reduction of sentence at any time during the period of active incarceration recommending a lesser sentence if it is in the interest of justice.

The Judiciary opposes this bill because, at Criminal Procedure § 8-111(d), it requires the court to hold a mandatory hearing on motions for reduction of sentences. The Judiciary generally opposes mandatory provisions that limit the courts’ ability to control their dockets and limits judicial discretion. The decision to hold a hearing should be discretionary.

In addition, the Judiciary opposes subsection (h) of the bill that would require the court to issue a “written opinion” explaining its decision even in situations where the court has denied the motion. Courts should not need to write a detailed opinion in the case of a denial.

cc. Hon. Chris West  
Judicial Council  
Legislative Committee  
Kelley O’Connor